



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: **Graham H. Thompson**
Application No.: **09/740,221** Examiner: **A. Q. Choudhury**
Filed: **December 19, 2000** Docket No.: **PERY 2 00001**
For: **COMMUNICATION SYSTEM ARCHITECTURE FOR
VOICE FIRST COLLABORATION**

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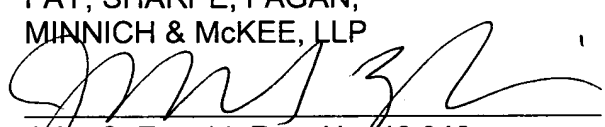
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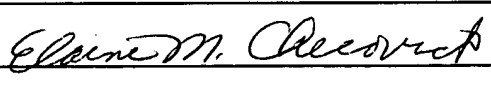
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PATENT APPLICATION

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Application No.: 09/740,221

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FOR VOICE FIRST COLLABORATION

BRIEF ON APPEAL

Appeal from Group 2145

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal and the present application is Mitel Network Corporation, by way of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 016345, Frame 0283.

II. RELATED APPEALS AND INTERFERENCES

Following are identified any prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal:

Notice of Appeal filed May 17, 2005.

Appeal Brief filed September 19, 2005.

Prosecution reopened by Office Action mailed December 2, 2005.

III. STATUS OF CLAIMS

Claims 1-14 and 16-29 are on appeal.

Claims 1-14 and 16-29 are pending.

Claims 1-14 and 16-29 are rejected.

Claims 15 and 30 are canceled.

IV. STATUS OF AMENDMENTS

An Amendment After Final Rejection was filed on July 17, 2006. By an Advisory Action dated August 7, 2006, it was indicated that the requested amendments had been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claims do not stand or fall together. Each claim is to be considered by the Board in view of the arguments and comments submitted herein.

The subject matter of independent claim 1 is directed to a collaborative computer telephony system. The system comprises a communication network (page 3, lines 14-17); integrated computer telephony devices connected to the network and identified by unique IP addresses (page 3, lines 14-17), at least two of the integrated computer telephony devices support collaboration application programs (page 3, lines 18-22). The system also includes an indicator on at least one of the integrated computer telephony devices (page 3, lines 18-20) and a collaborate control program associated with at least two of the integrated computer telephony devices for detecting commonly supported ones of the collaboration application programs and in response activating the indicator (page 3, lines 23-32).

The subject matter of independent claim 12 is directed to a method for controlling an indicator on a telephone in the collaborative computer telephony system including a communication network. The method comprises exchanging IP addresses of at least two computers over a communication network (page 5, lines 4-6). One of the computers issues a request to a second computer for a list of the collaboration application programs supported by the second computer (page 5, lines 11-13). The list is compared with a further list of supported ones within the first computer (page 5, lines 11-14). Finally, an indicator is activated at the first device if a commonly supported collaboration application program is found (page 5, lines 11-13).

The subject matter of independent claim 13 is directed to a computer telephony apparatus for use in a collaborative computer telephony system including a network

and a plurality of terminals. The apparatus includes indicator means for indicating that a collaborative session is set up with another computer telephony apparatus (page 3, lines 18-20) and collaborative control means for detecting the presence of collaborative control means in another computer telephony apparatus and for activating the indicator means in response (page 3, lines 1-17).

The subject matter of independent claim 14 is directed to an article of manufacture comprising a computer usable medium having computer readable program code embodied therein for controlling a computer. The program code includes instructions to receive a request for a collaborative session with at least one additional computer (Figure 4 and page 5, lines 11-13), issue a request to the other computer over a network for a list of collaborative programs supported by that computer (Figure 4 and page 5, lines 17-22), compare the list with a list of supported collaboration programs within the computer (Figure 4 and page 5, lines 22-23) and issue an activation signal to activate an indicator in the event that at least one collaborative program is commonly supported by the computer and the other computer (Figure 4 and page 5, lines 24-25).

The subject matter of independent claim 16 is directed to a collaborative computer telephony system comprising a communication network (page 3, lines 14-17), a plurality of integrated computer telephony devices connected to the network, where at least two of the devices support collaboration application programs for implementing communication sessions between them (page 4, lines 1-10), a user input device on at least one of the devices (Figure 1) and a collaborate control program associated with each of the devices for detecting commonly supported collaboration application

programs initiating the communication session in response to the user activation of the user input device (page 4, lines 1-10).

The subject matter of independent claim 27 is directed to a method comprising the steps of detecting user activation of a user input device (Figure 4), exchanging IP addresses of at least two computers over the network (Figure 4), issuing a request from one of the computers to a second computer for a list of collaboration programs supported by the second computer (Figure 4), comparing the list with a further list of supported collaboration application programs within the first computer (Figure 4), and initiating a communication session between the computers in the event at least one commonly supported collaboration application in the computers (Figure 4).

The subject matter of independent claim 28 is directed to a computer telephony apparatus for use in a collaborative computer telephony system having a communication network. The apparatus comprises the user input for initiating a collaborative session with another computer telephony apparatus (page 3, lines 14-32) and collaborative control means for detecting the presence of collaborative control means in another computer telephony apparatus in response to user activation of the user input (page 4, lines 1-17).

The subject matter of independent claim 29 is directed to an article of manufacture comprising a computer usable medium having computer readable program code embodied therein for controlling a computer. The program code includes instructions to receive a request for collaborative with at least one second computer (Figure 4 and page 5, lines 11-13), issue a request to said at least one said computer over a network for a list of collaborative programs supported by said at least one second computer (Figure 4 and page 5, lines 22-23), compare the list with a list of

supported collaboration programs within the computer (Figure 4 and page 5, lines 22-23) and initiate the collaborative session in the event that at least one collaborative program is commonly supported by the two computers (Figure 4 and page 5, lines 24-25).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

1) Claims 1-9, 11, 13-14, 16-24, 26, and 28-29 stand rejected as being anticipated under 35 U.S.C. §102(b) by Johnson et al. (U.S. Patent No. 5,761,420), hereinafter referred to as Johnson; and

2) Claims 10, 12, 25 and 27 stand rejected as having been obvious under 35 U.S.C. §103(a) over Johnson.

VII. ARGUMENT

The Examiner has rejected claims 1-9, 11, 13-24, 26 and 28-30 under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (U.S. Patent No. 5,761,420). The Examiner also has rejected claims 10, 12, 25 and 27 under 35 U.S.C. 103(a) asserting the claims are obvious having regard to Johnson et al. (U.S. Patent No. 5,761,420).

A. Claims 1-9, 11, 13-14, 16-24, 26 and 28-29 Are Not Anticipated By Johnson

The Examiner has rejected claims 1-9, 11, 13-24, 26 and 28-30 under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (U.S. Patent No. 5,761,420). Applicants have reviewed this reference and disagree with the Examiner's assessment.

1. Claims 1-9 and 11

In general, Johnson et al. pertains to a method and apparatus that enables modification of a document via telephone. In this method, one user is defined as a Driver and another user is defined as a Passenger. The Driver determines the changes to be made to the document, and the changes are reflected in both versions of the document displayed to the Driver and Passenger. In this method, it is not necessary that both Driver and Passenger use the same application program.

While Johnson et al. pertains to a method and apparatus that facilitates the coordinated editing of documents amongst multiple parties, the Examiner's use of this reference to question the novelty of the present invention is based on an oversimplification of the facts.

First, the Examiner asserts that Johnson et al. teaches "a collaborate control program associated with each of said at least two integrated computer telephony devices for detecting commonly supported ones of said collaboration application

programs and in response activating said indicator." This position lacks merit as there is no teaching in Johnson et al. of the "collaborate control program" as presently recited in claim 1. The Examiner points to Figure 2, and column 1, line 53 to column 2, line 46, for support, but there is nothing within these sections or the broader reference that teaches such a feature, particularly a "collaborate control program" as described in detail on page 4 of the present application:

A collaboration control program runs on each PC 3 associated with a telephone 1. This program has the capability of communicating over the LAN 5 with the phone 1 to control the collaborate indicator 7 and sense actuation of the collaborate button 9. The collaboration control program includes a list of all collaboration application programs installed which have been registered with the collaboration control program on the PC 3, including information about their capabilities and communication protocols (e.g. H.323). The collaboration control program has the capability of launching a collaboration application program, or, in the event that it is already running in the background, to bring the collaboration application program to the foreground. This is accomplished using well known capabilities of the PC Operating System.

The collaboration control program also has the ability to communicate with the collaboration control programs of remote PCs via the LAN 5. It has the capability to request (or respond to a request for) a list of collaboration application programs from a remote PC via the PC's Operating System. Finally, it has the capability to compare remote and local collaboration application programs and, by comparing supported protocols, determine whether the mutual collaboration application programs can inter-operate in a shared work environment.

In fact, with reference to Figure 5 in Johnson et al., it is clear that the users themselves are responsible for establishing the connection of the editor programs (see column 5, lines 47-50). This cumbersome and tedious process is common and represents a major problem with prior art technologies. Indeed, Johnson et al. teaches away from Applicants' claimed invention in that it falls squarely into the acknowledged prior art that requires users to manually set up the collaborative session, launch software, etc. (page 1, lines 27-33 of Applicants' specification). By way of contrast, in

Applicants' invention incorporating "collaborative control program . . . for detecting commonly supported . . . collaboration application programs," collaborative sessions may be set up between parties "without complex and time-consuming setup programs as are common in the prior art" (page 2, lines 6-7 of Applicants' specification), such as the complex arrangement of Johnson et al. In contrast, the present invention provides a collaborative control program that detects commonly-supported collaboration application programs. This feature is neither taught nor contemplated by Johnson et al.

In addition, Johnson et al. fails to teach or suggest the feature of "collaboration" as set forth on page 3 of the present invention:

The term collaboration, as used in this specification, refers to one of a number of desktop collaboration application programs, excluding voice, which allow for enhanced communication between one or more people via their desktop computers (PCs). The term "virtual co-location" will be used to describe the capability of these applications. Such applications typically run on the PC 3 at a user's desktop, or at least have their user interfaces on the desktop PC 3. Examples of such applications include video conferencing; multiple viewing access via remote PCs to a single document; PC based joint document editing; network "white boarding", etc. The operation of these collaboration application programs is beyond the scope of this specification although the structure and operation thereof would be well known to a person of ordinary skill in the art.

The Examiner attempts to equate the feature of "at least two of said integrated computer telephony devices supporting collaboration application programs" with the teachings in column 1, lines 60 to 67 of Johnson et al. This assessment is without merit. At no point does Johnson et al. disclose "collaboration application programs" within the meaning set forth on page 3 of the present application. Johnson et al. is directed solely to the modification/proof of documents, and certainly does not contemplate "desktop collaboration application programs . . . which allow for enhanced communication between one or more people via their desktop computers."

As clearly taught in Johnson et al. (column 4, lines 1 to 5):

In the present invention, one of the stations serves as the control. The control station may be referred to as the "user", the "sender", or the "Driver". The other station(s) may be referred to as the "connected user(s)", the "recipient(s)", or the "Passenger(s)".

Johnson et al. goes on to teach that "both users cannot be in the Driver mode and thereby dictate editorial changes to the document of interest" (column 6, line 31-33). In view of these teachings, Applicants conclude that Johnson et al. does not teach or contemplate a user interface congruent with the term "collaboration" as defined in the present application. In fact, it would seem that Johnson et al. teaches away from a collaborative interface, which is imperative to a network-implemented shared workspace environment.

No new arguments were raised in the final office action. In the Examiner's response to applicants' arguments, the Examiner appears to rely quite heavily upon applicants' statement that "Johnson et al. pertains to a method and apparatus that facilitates the coordinated editing of documents amongst multiple parties" to support the notion that Johnson et al. teaches "collaboration" between parties. Applicants strongly disagree with this analysis.

Applicants' use of the above-noted statement, in particular the word "coordinated," stems from the discussion in column 2, lines 29 to 33 in which it is clearly stated that:

"This technique of providing document changes remotely may be referred to herein as the coordinated maintenance of data, since a single party acts as the Driver and one or more other parties, who receive the Driver's changes to the document, act as Passengers, in a coordinated fashion."

This differs from "collaboration" as set forth on page 3 of the present application. The term "collaboration," as used in this specification, refers to one of a number of

desktop collaboration application programs, excluding voice, which allow for enhanced communication between one or more people via their desktop computers.

"Collaboration" is more than merely coordinating a series of actions, as is the case in the Driver/Passenger relationship of Johnson et al. "Collaboration" relates to a joint intellectual effort between parties, ultimately leading to enhanced communication that forms the basis for a collaborative work-sharing environment.

It should also be noted that claim 1 calls for a "collaborate control program . . . for detecting commonly supported . . . collaboration application programs . . ." There is no teaching or suggestion in Johnson of any "detecting" step as a condition precedent to "activating said indicator." Indeed, there is no collaborate indicator, such as an LED, even mentioned in Johnson. The purpose of the collaborate indicator in the present invention is to signal to the user that the party has the capability of collaborating with the user. The user may operate the collaborate button if the user wishes to run a collaboration application.

For the foregoing reasons, the rejection of claims 1-9 and 11, which depend therefrom, under 35 U.S.C. 102(b) must be reversed.

2. Claim 13

Independent claim 13 relates to an apparatus for use in a collaborative computer telephony system and was rejected as being anticipated by Johnson. This claim sets forth similar features relating to the establishment of a collaborative interface, which allows for enhanced communication between one and more people via their desktop computers (PCs). Similar to the collaborative control program recited in claim 1, claim 13 recites a collaborative control means. As such, the foregoing discussion also serves

to distinguish this claim over Johnson et al. Thus, Applicants contend that independent claim 13 is novel in view of Johnson et al. .

As such, the rejection of claim 13 under 35 U.S.C. 102(b) must be reversed.

3. Claim 14

Independent claim 14 relates to a computer program for controlling a computer and was rejected as being anticipated by Elliott. Claim 14 recites the comparison of lists to ascertain supported collaboration programs, a feature neither taught nor contemplated by Johnson et al. The Examiner's assessment and attempts to equate the claimed features to the teachings in Johnson et al. is based upon an oversimplification of the facts.

The rejection of claim 14 relies upon many of the portions of Johnson that have been cited by the Examiner in rejecting claim 1. Johnson, however, does not teach or suggest any "collaborative session" within the meaning of applicants' specification. Also, there is no "issuing" of an "activation signal to activate an indicator" in Johnson.

As such, the rejection of claim 14 under 35 U.S.C. 102(b) must be reversed.

4. Claims 16-24 and 26

Independent claim 16 relates to a collaborative computer telephony system. The rejection of claim 16 relies upon many of the portions of Johnson that have been cited by the Examiner in rejecting claim 1. Claim 16 was therefore analyzed and rejected by the same rationale as claim 1. Claim 16 differs from claim 1. For example, claim 16 recites a "user input device on at least one of said integrated computer telephony devices." Nonetheless, applicants submit that claim 16 is patentable in view of the arguments set forth above in support of claim 1.

As such, the rejection of claims 16-24 and 26 under 35 U.S.C. 102(b) must be reversed.

5. Claim 28

With regard to independent claim 28, the foregoing discussion with respect to claim 1 also serves to distinguish this claim over Johnson et al. Claim 28 sets forth similar features relating to the establishment of a collaborative interface, which allows for enhanced communication between one and more people via their desktop computers (PCs). Similar to the collaborative control program recited in claim 1, claim 28 recites a collaborative control means. As such, Applicants contend that independent claim 28 is novel in view of Johnson et al.

Accordingly, the rejection of claim 28 under 35 U.S.C. 102(b) must be reversed.

6. Claim 29

Independent claim 29 relates to a computer program for controlling a computer and was rejected as being anticipated by Elliott. Claim 29 recites the comparison of lists to ascertain supported collaboration programs, a feature neither taught nor contemplated by Johnson et al. The Examiner's assessment and attempts to equate the claimed features to the teachings in Johnson et al. is based upon an oversimplification of the facts.

The rejection of claim 29 relies upon many of the portions of Johnson that have been cited by the Examiner in rejecting claim 1. Johnson, however, does not teach or suggest any "collaborative session" within the meaning of applicants' specification. Also, there is no "issuing" of an "activation signal to activate an indicator" in Johnson.

As such, the rejection of claim 29 under 35 U.S.C. 102(b) must be reversed.

B. Claims 10, 12, 25 and 27 Would Not Have Been Obvious
Over Johnson

The Examiner has rejected claims 10, 12, 25 and 27 under 35 U.S.C. 103(a) asserting the claims are obvious with regard to Johnson et al. (U.S. Patent No. 5,761,420). As discussed above, the claims of the present invention set forth features relating to the establishment of a collaborative interface, which allows for enhanced communication between one and more people via their desktop computers (PCs). In view of the foregoing discussion regarding the novelty of the present invention, Applicants respectfully submit that the "Official Notice" relied upon to question the inventiveness of these claims fails to address the deficiencies of Johnson et al. As such, it is respectfully submitted that claims 10, 12, 25 and 27 are inventive with regard to the cited art.

1. Claim 12

Independent claim 12 relates to a method for controlling an indicator of commonly supported collaboration application programs and was rejected as being obvious over Johnson. The rejection of claim 12 relies upon many of the portions of Johnson that have been cited by the Examiner in rejecting claim 1. Johnson, however, does not teach or suggest "collaboration application programs," or "an indicator on at least one of said telephones," as discussed above in connection with claim 1. Moreover, claim 12 recites "a method for controlling said indicator." Since Johnson does not teach or suggest any "collaborate indicator" on a telephone, it cannot possibly disclose a method for controlling such an indicator.

As such, the rejection of claim 12 under 35 U.S.C. 103(a) must be reversed.

2. Claim 27

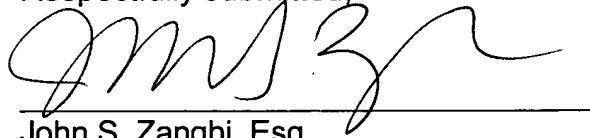
Independent claim 27 relates to a method involving computers that support collaboration application programs and includes "collaboration application programs" and "an indicator on at least one of said telephones." The rejection of claim 27 relies upon many of the portions of Johnson that have been cited by the Examiner in rejecting claim 1. Johnson, however, does not teach or suggest "collaboration application programs" as discussed above in connection with claim 1. Claim 27 also includes "user activation of said user input device." Nonetheless, applicants submit that claim 16 is patentable in view of the arguments set forth above in support of claim 1.

As such, the rejection of claim 27 under 35 U.S.C. 103(a) must be reversed.

CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejections are in error and that claims 1-14 and 16-29 are in condition for allowance. For all of the above reasons, Appellants respectfully request this Honorable Board to reverse the rejections of claims 1-14 and 16-29.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JMS', is written over a horizontal line.

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APPENDICES

VIII. CLAIMS APPENDIX

Claims involved in the Appeal are as follows:

1. A collaborative computer telephony system, comprising:

a communication network;

a plurality of integrated computer telephony devices connected to the network and identified by unique IP addresses, at least two of said integrated computer telephony devices supporting collaboration application programs;

an indicator on at least one of said integrated computer telephony devices; and

a collaborate control program associated with each of said at least two integrated computer telephony devices for detecting commonly supported ones of said collaboration application programs and in response activating said indicator.

2. The system of claim 1, further comprising a user input device on said at least one of said integrated computer telephony devices for launching said commonly supported ones of said collaboration application programs in the event said indicator is activated.

3. The system of claim 1, wherein said network is a local area network.

4. The system of claim 1, wherein said network is the Internet.

5. The system of claim 1, wherein said collaboration application programs include video conferencing applications, fax applications, document sharing applications, and shared whiteboard applications.

6. The system of claim 1, wherein said integrated computer telephony devices each further comprise a telephone and a computer.

7. The system of claim 6, wherein said computer and telephone are each connected directly to the network.

8. The system of claim 6, wherein said computer is connected to said telephone which in turn is connected directly to the network.

9. The system of claim 6, wherein said telephone is connected to said computer which in turn is connected directly to the network.

10. The system of claim 6, wherein said indicator further comprises a light on said telephone and said user input device is a button on said telephone.

11. The system of claim 6, wherein said indicator and user input device further comprise a graphical user interface on said computer.

12. In a collaborative computer telephony system including a communication network, a plurality of telephones and associated computers connected to the network and identified by respective IP addresses, at least two of said computers supporting collaboration application programs, and an indicator on at least one of said telephones, a method for controlling said indicator comprising the steps of:

exchanging IP addresses of said at least two computers over said network;

issuing a request from a first one of said computers to a second one of said computers for a list of said collaboration application programs supported by said second one of said computers;

comparing said list with a further list of supported ones of said collaboration application programs within said first computer; and

activating said indicator at said first telephone in the event of at least one commonly supported ones of said collaboration application in said first and second ones of said computers.

13. Computer telephony apparatus for use in a collaborative computer telephony system comprising a network and a plurality of terminals, said apparatus comprising:

indicator means for indicating that a collaborative session is set up with another computer telephony apparatus; and

collaborative control means for detecting the presence of collaborative control means in said another computer telephony apparatus and for activating said indicator means in response.

14. An article of manufacture comprising:

a computer usable medium having computer readable program code embodied therein for controlling a computer to:

receive a request for a collaborative session with at least one second computer;

issue a request to said at least one second computer over a network for a list of collaborative programs supported by said at least second computer;

compare said list with a list of supported collaboration programs within said computer; and

issue an activation signal to activate an indicator in the event that at least one collaborative program is commonly supported by said computer and said at least one second computer.

15. (Canceled)

16. A collaborative computer telephony system, comprising:

a communication network;

a plurality of integrated computer telephony devices connected to the network, at least two of said integrated computer telephony devices supporting collaboration application programs for implementing communication sessions therebetween;

a user input device on at least one of said integrated computer telephony devices; and

a collaborate control program associated with each of said at least two integrated computer telephony devices for detecting commonly supported ones of said collaboration application programs and initiating said communication session in response to user activation of said user input device.

17. The system of claim 16, further comprising an indicator on said at least one of said integrated computer telephony devices for indicating detection of said commonly supported ones of said collaboration application programs.

18. The system of claim 16, wherein said network is a local area network.

19. The system of claim 16, wherein said network is the internet.

20. The system of claim 16, wherein said collaboration application programs include video conferencing applications, fax application, document sharing applications, and shared whiteboard applications.

21. The system of claim 17, wherein said integrated computer telephony devices each further comprise a telephone and a computer.

22. The system of claim 21, wherein said computer and telephone are each connected directly to the network.

23. The system of claim 21, wherein said computer is connected to said telephone which in turn is connected directly to the network.

24. A system of claim 21, wherein said telephone is connected to said computer which in turn is connected directly to the network.

25. The system of claim 21, wherein said indicator further comprises a light on said telephone and said user input device is a button on said telephone.

26. The system of claim 21, wherein said indicator and user input device further comprise a graphical user interface on said computer.

27. In a collaborative computer telephony system including a communication network, a plurality of telephones and associated computers connected to the network

and identified by respective IP addresses, at least two of said computers supporting collaboration application programs, and a user input device on at least one of said telephones, a method comprising the steps of:

detecting user activation of said user input device;

exchanging IP addresses of said at least two computers over said network;

issuing a request from a first one of said computers to a second one of said computers for a list of said collaboration application programs supported by said second one of said computers:

comparing said list with a further list of supported ones of said collaboration application programs within said first computer; and

initiating a communication session between said first and second ones of said computers in the event of at least one commonly supported collaboration application in said first and second ones of said computers.

28. Computer telephony apparatus for use in a collaborative computer telephony system having a communication network, said apparatus comprising:

a user input for initiating a collaborative session with another computer telephony apparatus; and

collaborative control means for detecting the presence of collaborative controlled means in said another computer telephony apparatus in response to user activation of said user input.

29. An article of manufacture comprising:

a computer usable medium having computer readable program code embodied therein for controlling a computer to:

receive a request for a collaborative session with at least one second computer;

issue a request to said at least one second computer over a network for a list of collaborative programs supported by said at least one second computer;

compare said list with a list of supported collaboration programs within said computer; and

initiate said collaborative session in the event that at least one collaborative program is commonly supported by said computer and said at least one second computer.

30. (Canceled)

IX. EVIDENCE APPENDIX

NONE

X. RELATED PROCEEDINGS APPENDIX
NONE